

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHRISTINE C. ANDERSON,

Plaintiff,

07 Cv. 9599 (SAS)

-against-

THE STATE OF NEW YORK, et al.,

Defendants.

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JOINT SUBMISSION ON PROPOSED JURY VOIR DIRE

The parties, by their counsel, hereby make the following submission on proposed jury voir dire. Controverted items are in italics, followed by explanation of the objections in bold font.

I. General Information

1. In which community do you live?
2. How long have you lived in your current residence? What other communities have you lived within the past ten years?
3. Other than the New York metropolitan area, where have you lived?
4. Do you have any medical and/or physical conditions that will interfere with your sitting on a jury?

II. Media/Communications

1. What newspapers and magazines do you read?
2. What television programs do you watch?
3. What stations and programs do you listen to on the radio?

III. Occupation

1. What is your present occupation?

2. How long have you worked in that position? What are your duties and responsibilities?
3. Do you supervise other employees? If yes, how many do you supervise directly or indirectly?
4. Do you have the authority to hire and fire other employees? Has anybody ever made a complaint about you as a supervisor? If yes, please describe.
5. Have you ever been involved in what is called a job retaliation matter?
6. Has anyone known to you been involved in what is called a job retaliation matter?

IV. Household Matters

1. Do you live with anyone?
2. If so, does that person work? Where? How long has he/she been employed there? What is his/her position?
3. Does he/she supervise anyone? Does he/she have the authority to hire and fire other employees? What are his or her duties and responsibilities?

V. Family

1. Do you have any children?
2. How many, what are their ages?
3. Do your children work? Where are they employed? How long have they been employed there? Do they supervise anyone? What are their duties and responsibilities? Do they have the authority to hire and fire other employees?
4. Do your parents work? Where are they employed? How long have they been employed there? Do they supervise anyone? What are their duties and responsibilities? Do they have the authority to hire and fire other employees?

VI. Education

1. What level of education have you completed? What academic institutions have you attended? What was your major field of study?

2. What level of education did the person you live with complete? What academic institutions did he/she attend? What was his/her major field of study?
3. What level of education have your children completed? What academic institutions have they attended? What is/was their major field of study?

VII. Employment with the City of New York

1. Have you or a family member ever been employed by the State of New York; the court system?

VIII. Attitudes about Whistleblowing/Retaliation - Requested by plaintiff

1. *What do you think about a person suing her employer claiming she was fired unlawfully?*
2. *What do you think about a person suing her employer claiming she was fired for speaking out about wrongdoing at the place of employment?*
3. *Has an employee who has worked for or with you ever sued the employer for wrongful discharge or some other reason? If so, describe the circumstances.*
4. *Has anyone ever accused you or a member of your family or the company that you work for of wrongful discharge? If so, what was the outcome?*
5. *Do you think that there are too many lawsuits accusing employers of retaliation and discrimination?*
6. *Have you or someone close to you ever been the victim of retaliation? What were the circumstances?*
7. *Has an employee who has worked for or with you, or someone close to you, ever complained to his or her employer about what he or she believed were improper or unethical practices? If so, describe the circumstances.*

Note: Defendants oppose these questions as repeatedly using the word “retaliation” and thereby enhancing the concept and appearing to invite jurors to speculate in that retaliation out of context is an amorphous concept.

IX. Attitudes about Damage Awards - Requested by plaintiff

1. *Do you think people turn too readily to courts to solve their problems? If so,*

why do you have such a belief?

2. *Do you think it is appropriate to give people financial damages such as back pay for retaliation or wrongful discharge that they have suffered?*
3. *Do you think it is appropriate to give people who have been subject to a wrongful discharge financial damages for mental anguish, humiliation, or pain and suffering?*
4. *Are you at all uncomfortable about awarding large sums of money to a party in a lawsuit?*
5. *Have you or any relatives had the option of bringing a lawsuit but chose not to?*

Note: Defendants oppose these questions as repeatedly mentioning reasons for damages thereby enhancing the idea and appearing to invite award of damages, together with award in a large amount.

X. Prior Civil Litigation Experience

1. Have you, any member of your family, or any close friend ever been a party (plaintiff/claimant or defendant) or a witness in a civil case? Did you testify/appear at or view any of the proceedings?
2. Did the matter go to a jury? Was a verdict rendered? Was the matter settled before a final verdict was reached?
3. How did you feel about that experience? Did you feel justice was done? Did you form any opinions about the civil court system? What are your opinions?
4. What is your concept of the burden of proof in a civil case? If the judge instructs you differently than you previously thought, will you be able to follow her/his instructions?

XI. Prior Jury Service

1. Have you ever served on a jury? In a civil or criminal case? Have you ever been the foreman (forewoman)?
2. If a criminal case, what was the nature of the charges against the defendant(s)? If a civil case, what were the plaintiff's claims?

3. Was a verdict reached? If so, what was the verdict?
4. How did you find this experience?
5. Did you speak with anyone after trial about your jury service/deliberations? If so, please explain the circumstances?
6. Were you satisfied with the resolution of the matter?
7. Do you think that your experience will prejudice you in any way?
8. Will serving on this jury be a burden to you?

XII. Contact with the Judiciary

1. Are you or any member of your family, or any close friend, now involved (or have ever been involved in) the state or federal courts?
2. What was the capacity of the involvement? When did this involvement occur? What is the time period of this involvement?
3. Do you know any employees of federal or state courts?
4. Do you have any opinions about federal or state courts in general? What are they?
5. Have you or any member of your family or someone you know well been investigated or faced disciplinary action as an attorney [sidebar to discuss privately]? How do you think that you or that person was treated at the time?

XIII. Membership In Political And Civil Organizations

1. What political or social organizations are you a member? Do members of your family belong to any organizations?

XIV. About This Case

1. Do you know anyone who may be involved in a situation like what you have heard so far about this case? If yes, please explain.
2. Have you ever had to quit a job because you felt like you were being treated unfairly? If yes, please explain.

XV. Attitudes Towards The State
of New York And Its Employees

1. Have you or any member of your family ever been an employee of the State of New York, or any state governmental agency, including the New York State Unified Court System? If yes, please describe.
2. Have you had any personal experience or interaction with the New York State Unified Court System? If yes, please describe. Have your family or friends had any such experience?
3. Would you be more likely to award money damages to a plaintiff when the defendants are state employees?
4. Do you now have, or have you ever had, a law suit or a claim for compensation against the State of New York or any of its agencies or employees?

Dated: New York, New York
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